

MORGAN & MORGAN

COMPLEX LITIGATION GROUP

John A. Yanchunis (Admitted Pro Hac Vice)

201 N. Franklin Street, 7th Floor

Tampa, Florida 33602

Telephone: 813/223-5505

813/223-5402 (fax)

jyanchunis@ForThePeople.com

Attorneys for Plaintiffs

HUNTON ANDREWS KURTH, LLP

Ann Marie Mortimer (SBN 169077)

550 South Hope Street, Suite 2000

Los Angeles, CA 90071-2627

Telephone: 213/532-2000

213/532-2020 (fax)

amortimer@hunton.com

Attorneys for Defendants

Additional Counsel Listed in Back

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE: YAHOO! INC. CUSTOMER DATA
SECURITY BREACH LITIGATION

CASE NO. 16-MD-02752-LHK

**Stipulation to File Second Amended
Complaint (FRCP 15(a)(2))**

1 Pursuant to Fed. Rule Civ. Proc. Rule 15(a)(2), Plaintiffs Kimberly Heines,
2 Hashmatullah Essar, Paul Dugas, Matthew Ridolfo, Deana Ridolfo, Yaniv Rivlin, Mali
3 Granot, Brian Neff, and Andrew J. Mortensen, acting on behalf of themselves and all others
4 similarly situated, and Defendants Yahoo! Inc. and Aabaco Small Business, LLC hereby
5 stipulate to file the attached Second Amended Consolidated Class Action Complaint.

6 1. On January 28, 2019, Judge Lucy Koh issued an Order in this litigation
7 denying Plaintiffs' Motion for Preliminary Approval. ECF 353. In that Order, Judge Koh
8 noted that the proposed settlement releases claims on behalf of all users in 2012, but the
9 operative complaint does not assert claims prior to 2013. *Id.* at 11. Judge Koh then stated
10 "any future settlement must amend the FAC." *Id.*

11 2. The attached Second Amended Complaint addresses Judge Koh's concerns by
12 expanding the class definitions to encompass claims arising in 2012 and expanding the
13 factual allegations about Yahoo's security flaws and breaches in 2012. Other than those
14 changes, the Second Amended Complaint does not alter the nature of the case or claims
15 alleged.

16 3. The First Amended Complaint was filed partially under seal in accordance
17 with Judge Koh's Order on Plaintiffs' Administrative Motion to File Under Seal. ECF 192.
18 The Second Amended Complaint preserves, but does not add to, those redactions. A motion
19 to file under seal an un-redacted version of the SAC is being filed concurrently herewith.

20 4. Defendants Yahoo! Inc. and Aabaco Small Business, LLC filed an Answer to
21 the First Amended Complaint on March 23, 2018. ECF 220. To avoid unnecessary repetition,
22 that Answer shall be deemed the Answer to the Second Amended Complaint for all purposes.

23 5. By signing this Stipulation, Defendants Yahoo! Inc. and Aabaco Small
24 Business, LLC acknowledge and accept service of the Second Amended Complaint, and
25 waive any requirements of further service or challenges to service.
26
27
28

1
2 Dated: April 8, 2019

MORGAN & MORGAN COMPLEX
LITIGATION GROUP

3
4
5 /s/ John A. Yanchunis
JOHN A. YANCHUNIS

6 *Attorney for Plaintiffs*

7 On behalf of Plaintiffs' Lead Counsel
8 and Executive Committee

9
10 Dated: April 8, 2019

HUNTON ANDREWS KURTH

11 /s/ Ann Marie Mortimer
12 ANN MARIE MORTIMER

13 *Attorney for Defendants*

14
15
16 **Additional Counsel for Plaintiffs:**

17 **ROBBINS GELLER RUDMAN
& DOWD LLP**

18 Stuart A. Davidson (Admitted Pro Hac Vice)
19 120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
20 Telephone: 561/750-3000
561/750-3364 (fax)
21 *sdavidson@rgrdlaw.com*

22 **CASEY GERRY SCHENK
23 FRANCAVILLA BLATT & PENFIELD
LLP**

24 Gayle M. Blatt, SBN 122048
110 Laurel Street
25 San Diego, CA 92101
Telephone: 619/238-1811
26 619/544-9232 (fax)
27 *gmb@cglaw.com*

28 **LOCKRIDGE GRINDAL NAUEN P.L.L.P.**

1 Karen Hanson Riebel (Admitted Pro Hac Vice)
2 100 Washington Ave. South, Suite 2200
3 Minneapolis, MN 55401
4 Telephone: 612/339-6900
5 612/339-0981 (fax)
6 *khriebel@locklaw.com*

7 **Additional Counsel for Defendants:**

8 Samuel A. Danon (admitted *pro hac vice*)
9 *sdanon@hunton.com*

10 John J. Delionado (admitted *pro hac vice*)
11 *jdelionado@hunton.com*

12 **HUNTON & WILLIAMS LLP**
13 1111 Brickell Avenue, Suite 2500
14 Miami, Florida 33143
15 Telephone: (305) 810-2500
16 Facsimile: (305) 810-2460

17 Theodore J. Boutrous, Jr. (SBN 132099)
18 *tboutrous@gibsondunn.com*

19 Joshua A. Jessen (SBN 222831)
20 *jjessen@gibsondunn.com*

21 **GIBSON, DUNN & CRUTCHER LLP**
22 333 South Grand Avenue
23 Los Angeles, California 90071
24 Telephone: (213) 229-7000
25 Facsimile: (213) 229-7520

26 Michael Li-Ming Wong (SBN 194130)
27 *mwong@gibsondunn.com*

28 Rachel S. Brass (SBN 219301)
rbrass@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, California 94105
Telephone: (415) 393-8200
Facsimile: (415) 393-8306